



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200, ROOM 1545
SAN FRANCISCO, CA 94102

December 13, 2022

Gabriel Groisman, Esq
LSN Law P.A.
3800 NE 1st Ave, Suite 200
Miami, Florida 33137

Arsen Ostrovsky, Attorney and CEO
International Legal Forum (ILF)
Ibn Gabirol St. 30
Tel Aviv, Israel

By email only to: GGroisman@lsn.law.com and arsen@ilfngo.org

Re: University of California, Berkeley
OCR Case No. 09-23-2079

Dear Mr. Groisman and Mr. Ostrovsky:

On November 18, 2022, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint against the University of California, Berkeley Law School (University). Your complaint alleges that the University discriminated against Jewish students, faculty, and staff on the basis of national origin (shared Jewish ancestry). OCR is opening the following issue for investigation:

Whether the University failed to respond appropriately in the fall 2022 semester to notice from Jewish law students, faculty, and staff that they experienced a hostile environment at the law school based on their shared Jewish ancestry when University-recognized student organizations passed a bylaw against inviting speakers who support “Zionism, the state of Israel, and the occupation of Palestine.”

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin under any program or activity receiving federal financial assistance. As a recipient of federal financial assistance from the Department, the University is subject to Title VI.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Please note that opening the issue for investigation in no way implies that OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the issue, in accordance with the provisions of Article III of OCR's *Case Processing Manual* (CPM).¹ A copy of OCR's Case Processing Procedures is available at <https://www2.ed.gov/about/offices/list/ocr/docs/complaints-how.pdf>.

OCR is committed to resolving complaints as promptly as possible. OCR will contact you or your designated representative soon to discuss the allegation and the complaint resolution process. OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the CPM. OCR also would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against any individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a separate retaliation complaint with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions about this letter, please contact Anamaria Loya, Chief Attorney, at 415-486-5404 or Anamaria.Loya@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zachary Pelchat', with a long horizontal line extending to the right.

Zachary Pelchat
Regional Director

¹ *Case Processing Manual* (Jul. 18, 2022), <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.